REMARKS/ARGUMENTS

Reconsideration is respectfully requested.

Claims 1-9 are pending before this amendment. By the present amendment, claims 4, 8 and 9 canceled without prejudice; and claims 1, 3, 5 and 7 are amended; No new matter has been added.

In the office action claim 5 stands objected to because of an informality. The Applicant has subsequently amended claim 5 by correcting the typographical informality. The Applicant therefore respectfully submits that claim 5, as amended, is in allowable form, and respectfully requests that the Examiner withdraw the objection to claim 5.

In the office action claim 7 stands rejected under 35USC101 because the preamble language does not allegedly have acceptable language for a computer-processing related claim.

The Examiner's attention is respectively directed towards the following emphasized limitation of claim 7, as amended:

> CLAIM 7
>
> A computer program product in a **computer-readable medium encoded with instructions capable of being executed by a mobile terminal device** capable of communicating with a server device via a mobile telecommunication carrier network and communicating with another terminal device by wireless communication without passing through the mobile telecommunication carrier network, the computer program product making the mobile terminal device function as a control unit which determines whether or not an application loaded into the mobile terminal device for executing a process including the wireless communication is proper, and permits an execution of the wireless communication by the application only when the application is proper,
>
> wherein the application includes first certification information indicating that the application is proper, and
>
> wherein the control unit includes second certification information, and determines whether or not the application is proper based on the first certification information included in the application and the second certification information included in the control unit.

The Applicant respectfully submits that the preamble language has been amended into a format, similar to the language suggested by the Examiner, that is more acceptable for a computer-processing related claim. Accordingly, the Applicant therefore respectfully submits that claim 7, as amended, is in allowable form, and respectfully requests that the Examiner withdraw the 35USC101 rejection of claim 7.

PAGE 6/10 * RCVD AT 1/26/2007 10:11:45 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-5/19 * DNIS:2738300 * CSID:312 427 6663 * DURATION (mm-ss):03-12

In the office action claim 7 stands rejected under 35USC112 as allegedly having insufficient antecedent basis for the limitation "the computer program product".

The Examiner's attention is respectively directed towards the following emphasized limitation of claim 7, as amended:

> CLAIM 7
> **A computer program product** in a computer-readable medium encoded with instructions capable of being executed by a mobile terminal device capable of communicating with a server device via a mobile telecommunication carrier network and communicating with another terminal device by wireless communication without passing through the mobile telecommunication carrier network, **the computer program product** making the mobile terminal device function as a control unit which determines whether or not an application loaded into the mobile terminal device for executing a process including the wireless communication is proper, and permits an execution of the wireless communication by the application only when the application is proper,
> wherein the application includes first certification information indicating that the application is proper, and
> wherein the control unit includes second certification information, and determines whether or not the application is proper based on the first certification information included in the application and the second certification information included in the control unit.

The Applicant respectfully submits that the claim 7, as amended, is in now in allowable form, and respectfully requests that the Examiner withdraw the 35USC112 rejection of claim 7.

In the office action claims 1-9 stand rejected under 35USC102(b) as being anticipated by U.S. Patent Appl. No. 2003/0061364 (hereinafter Banerjee).

The Examiner's attention is respectfully directed towards the following emphasized limitation of independent claim 1, as amended:

> CLAIM 1
> A communication management system comprising:
> a server device; and
> a mobile terminal device capable of communicating with the server device via a mobile telecommunication carrier network,
> wherein the mobile terminal device includes:
> a wireless communication unit which communicates with another terminal device by wireless communication without passing through the mobile telecommunication carrier network;
> an application which executes a process including the wireless communication by the wireless communication unit, **the application including first certification information indicating that the application is proper**; and
> a control unit which determines whether or not the application is proper, and permits an execution of the wireless communication by the application only when the application is proper,
> wherein **the control unit includes second certification information, and determines whether or not the application is proper based on the first certification**

PAGE 7/10 * RCVD AT 1/26/2007 10:11:45 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-5/19 * DNIS:2738300 * CSID:312 427 6663 * DURATION (mm-ss):03-12

information included in the application and the second certification information included in the control unit.

The Applicant respectfully submits that the Benerjee reference cited by the Examiner does not disclose, teach nor suggest the above-emphasized limitation of claim 1. More specifically, Benerjee does not describe the *application including first certification information indicating that the application is proper* nor does Benerjee describe *the control unit includes second certification information, and determines whether or not the application is proper based on the first certification information included in the application and the second certification information included in the control unit.* Support for these amendments into claim 1 can be found, inter alia, in the specification at page 12 lines 8-16.

As per §2131 of the MPEP, in order "to anticipate a claim, the reference must teach every element of the claim." Since Benerjee does not these two limitations then Benerjee does not support a rejection based on anticipation.

The Applicant therefore respectfully submits that claim 1, as amended, is in allowable form, and respectfully requests that the Examiner withdraw the 35USC102(b) rejection to independent claim 1.

Claims 4, 8 and 9 have been canceled without prejudice. The Examiner is respectfully requested to withdraw the 35USC102(b) rejection to dependent claims 4, 8 and 9 should be withdrawn.

Claims 2, 3 and 5-7 depend from independent claim 1 and, as such, incorporate by reference all the claim limitations contained therein, including the above limitation which has already been shown to be absent from Benerjee. Accordingly claims 2, 3 and 5-7 are also believed to be in allowable form as being dependent upon an allowable base claim. The Examiner is respectfully requested to withdraw the 35USC102(b) rejection to dependent claims 2, 3 and 5-7.

For the reasons set forth above, the Applicant respectfully submits that claims 1-3 and 5-7, now pending in this application, are in condition for allowance over the cited reference. Accordingly, the Applicant respectfully request reconsideration and withdrawal of the outstanding rejections and earnestly solicit an indication of allowable subject matter.

PAGE 8/10 * RCVD AT 1/26/2007 10:11:45 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-5/19 * DNIS:2738300 * CSID:312 427 6663 * DURATION (mm-ss):03-12

This amendment is considered to be responsive to all points raised in the office action. Should the Examiner have any remaining questions or concerns, the Examiner is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns.

For the reasons set forth above, the applicants respectfully submit that claims #-#, now pending in this application are in condition for allowance. The applicants respectfully request a Notice of Allowance in the next action.

This amendment is considered to be responsive to all points raised in the office action. Should the examiner have any remaining questions or concerns, the examiner is encouraged to contact the undersigned attorney by telephone to expeditiously resolve such concerns.

Respectfully submitted,

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PAGE 9/10 * RCVD AT 1/26/2007 10:11:45 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-5/19 * DNIS:2738300 * CSID:312 427 6663 * DURATION (mm-ss):03-12